

Members

Sen. Richard Bray, Chairperson
Sen. David Long
Sen. John Broden
Sen. Timothy Lanane
Rep. Robert Kuzman, Vice-Chairperson
Rep. Ryan Dvorak
Rep. Ralph Ayres
Rep. Kathy Richardson
Judge Ernest Yelton
David A. Lewis
Tim Curley
Thomas R. Philpot
Chief Justice Randall Shepard



COMMISSION ON COURTS

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 233-0696 Fax: (317) 232-2554

LSA Staff:

Mark Goodpaster, Fiscal Analyst for the
Commission
Timothy Tyler, Attorney for the Commission

Authority: IC 33-1-15

MEETING MINUTES¹

Meeting Date: August 11, 2004
Meeting Time: 1:00 P.M.
Meeting Place: State House, 200 W. Washington St.,
Room 431
Meeting City: Indianapolis, Indiana
Meeting Number: 1

Members Present: Sen. Richard Bray, Chairperson; Sen. David Long; Sen. John Broden; Sen. Timothy Lanane; Rep. Robert Kuzman, Vice-Chairperson; Rep. Ryan Dvorak; Rep. Ralph Ayres; Judge Ernest Yelton; David A. Lewis; Tim Curley; Thomas R. Philpot; Chief Justice Randall Shepard.

Members Absent: Rep. Kathy Richardson.

Chairman Bray convened the meeting at 1:15 p.m.

Update on Judicial Technology and Automation Project

After introduction of the Commission members, Chairman Bray asked Justice Frank Sullivan, acting as the designate for Chief Justice Randall Shepard, to review the efforts that the Indiana Supreme Court has made in the last year concerning the Judicial Technology Automation Project. His written remarks are included in Attachment A.

Justice Sullivan made the following comments based on questions from the Commission members:

- The first four counties who have volunteered for the pilot testing (Clay, Morgan,

¹ The attachments referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes and attachments are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Huntington, and Marion Counties) are projected to be completely running by the end of 2006.

- Marion County is projected to have an operating system by the end of 2005.
- All 92 counties could be in the system by 2008.
- If a mandate is necessary to require all court systems to join the JTAC system, the Supreme Court will likely issue a two-year notice.

Discussion of Budget and Actions on Previous Recommendations

Chairman Bray asked Mark Goodpaster to review the Commission charges, budget, new requests, and past recommendations that the Commission made in the previous interim. A memo prepared by Mr. Goodpaster that addresses these issues is included in Attachment B of these minutes.

During the 2003 interim, the Commission recommended that seven courts and two magistrates be created (see Attachment B, page 14). None of these bills were passed in the 2004 General Assembly. The Commission members decided to notify the legislators who introduced these bills during the 2004 General Assembly to see whether or not they still endorse the need for these initiatives.

New Issues

Legislators, judges, and prosecuting attorneys submitted requests for the Commission to examine during the 2004 interim (Attachment B, page 13).

New Courts -- The Commission members decided to hold hearings on the need for new courts at the next meeting on Wednesday, September 8th.

Court Security -- The Commission members also discussed how courts across the state have responded to the need for more secure facilities. Justice Sullivan indicated that the Judicial Center collects reports from courts across the state concerning security incidents. He also indicated that a committee of judges have been examining this issue using the staff of the Judicial Center.

Other Issues -- Chairman Bray noted that several of the requests involve changes in sentencing and court procedures. He indicated that the Commission limited itself to examining proposals for new judicial officers and changes in fees that the courts could order. He also noted that the Criminal Law Study Commission examines issues involving criminal sentencing and other initiatives that would affect court procedures in criminal cases.

Discussion About Court Fees

The final topic on the agenda was an update by Mark Goodpaster on the fees that are collected by the courts and deposited in the state General Fund and the State User Fee Fund. A memo addressing this topic is included in Appendix C.

Based on Commission discussion, Chairman Bray asked for an expanded study of all court-ordered fees that are deposited in all state and local funds.

Next Meeting

Chairman Bray announced that the next meeting of the Commission on Courts would be on September 8th at 1 p.m.

The meeting was adjourned.

Attachment A

REMARKS OF INDIANA SUPREME COURT JUSTICE FRANK SULLIVAN, JR., TO THE COMMISSION ON COURTS

Indianapolis, Indiana
August 11, 2004

Thank you, Mr. Chairman. On behalf of Chief Justice Shepard and our other colleagues on the Indiana Supreme Court, Justices Dickson, Boehm, and Rucker, I want to express my appreciation to you and the members of this Commission for your interest in this extremely important partnership between the Indiana Supreme Court and the courts, agencies, and offices of state and county government in Indiana that need and use court information.

Here today are a number of individuals, including, in particular, you, Mr. Chairman, and Representative Kuzman, who have been a part of this project since the outset and are largely responsible for the wonderful support the General Assembly has given it. But also here today are a number of individuals who are generally unfamiliar with the project. I have tailored this presentation primarily for their benefit. I am going to spend about twenty minutes going over the background of the project, our current status, and a very short demonstration of the new product. Then I will be pleased to respond to any questions or comments.

Let me start with the Indiana Supreme Court itself which is, as all of you know, Indiana's court of last resort, charged by our state constitution as the final decision-maker in court cases great and small. We take this responsibility with utmost seriousness. Yet we also consider it to be our responsibility to do whatever we can to help improve the operation of all Indiana courts. To quote former Marion County Prosecutor, Scott Newman, under Chief Justice Shepard's leadership, the Indiana Supreme Court cares as much about the hundreds of thousands of cases that never reach our court as we do about those that do.

One area where we have particularly tried to be helpful to Indiana trial courts is in the area of technology. Several years ago our court formed a special Judicial Technology and Automation Committee -- we call it JTAC -- to provide the Indiana judges and court clerks and their staffs with computer resources to assist them in their work and better serve the public. With me today is the leader of our JTAC project, Kurt Snyder.

JTAC has provided many courts throughout the state assistance in the field of technology. For example, when JTAC began, only a small percentage of Indiana judges -- and an even smaller percentage of county clerks -- had e-mail. Today, at a cost to JTAC of almost \$250,000, almost every judge and clerk in the state has e-mail. Since 2001, JTAC has paid for approximately \$330,000 in computer training classes at Ivy Tech for more than 1,000 county court and county clerk employees and \$350,000 for the Lexis computerized research service for county judges. We have an extensive program of donating used computers to counties that need them. We have provided financial assistance to Marion County, our state's largest and most complicated court system, to perform a "process review" of its courts and its methods for processing traffic violations. Most recently, we placed on our web site a "child support calculator" so that judges,

lawyers, and citizens can make their own calculations of how much child support a non-custodial parent is responsible for in any given situation.

Case Management System Project

But JTAC's big project is to put into place a statewide trial court case management system. To explain what this is all about, let me start by telling you had almost 1.9 million cases were filed Indiana trial courts in Indiana trial courts in 2002. These cases included traffic violations and felonies, small claims cases and divorces, automobile accidents and cases of child abuse and neglect. No matter how large or how small, meticulous records are kept in every such case. Every document filed, every hearing held, every order issued, every verdict rendered is meticulously recorded in the docket for that case. We call the docket the CCS -- chronological case summary.

Most courts keep track of all of this information on all of these cases using a computer program called a "case management system" or CMS. Most Indiana counties have some type of case management system. But there are at least four major problems with existing case management systems. First, the CMS differ from county to county. Second, almost all of them used outdated technology. Third, while the existing systems store court information, they do not manage it -- for example, they do not automatically send out notices or set up schedules of hearings or create reports. And fourth, the existing systems exist only for the courts -- almost none of them are connected to law enforcement agencies; to state agencies like the BMV; across county lines; or to lawyers and the public.

I hope you can see that if we could take all of the information contained in court dockets, put it into a case management system using 21st-century technology, and connect each court's CMS with each other and with law enforcement, state agencies, lawyers, and the public, there would be significant savings for state and local taxpayers and improved law enforcement. For example:

Citizens and lawyers would be able to check the status of their cases over the Internet.

A court would be able to transmit electronically an order suspending a driver's license to the Bureau of Motor Vehicles immediately after making the ruling.

The state would be able to have an extremely accurate electronic registry of all domestic violence protective orders issued by Indiana courts.

A judge sentencing a defendant in a case would be able to determine electronically whether there are charges pending against the defendant in another county.

These, then, are JTAC's case management system goals: to equip every Indiana court with a 21st-century case management system and to connect individual courts' case management systems with each other and with users of court information.

The first six months of 2002 was the project's watershed – when we went from dream to reality. This was because of two highly-related events: The General Assembly's willingness to provide funding and the signing of a contract with Computer Associates International (CA), one of the world's leading computer firms, to be our principal vendor on the project.

The Supreme Court and JTAC actually brought the CMS project to the General Assembly for the first time in the 2001 session. The result was an increase of \$2.00 per case in court filing fees, effective July 1, 2001, with the proceeds dedicated to the JTAC project. This permitted us to do some in depth planning and conduct a solicitation of potential vendors. In the 2002 session, the General Assembly increased the fee to \$5.00 per case, effective July 1, 2002, and to \$7.00 per case, effective July 1, 2003. (The fee drops down to \$4.00 per case effective July 1, 2009.) (Ind. Code § 33-37-5-21.)

I cannot adequately express how grateful we are for this support. It has made possible the enormous amount of work now going on all over the state on this project. Most importantly, it permitted us to enter into a highly favorable arrangement with Computer Associates to develop and implement to new system.

Project Schematic

Here is a schematic drawing of the project.

The key to it all is the case management system itself – the computer program that will keep track of all developments in all cases and help judges, clerks, and other users managed their caseloads.

The case management system will be linked using additional computer programs called “interfaces” to the computer systems at BMV, State Police, FSSA, Revue (for tax warrant enforcement), the Department of Correction, and the Prosecuting Attorney's Council program called ProsLink.

Over the last 18 months, JTAC has visited dozens of counties at their request to discuss the new case management system and secured a large number of commitments from counties seeking to be among the first to receive the new system. Four counties have been selected to test or pilot the new system – Clay, Morgan, and Huntington as well as our state's largest and most complicated court system, Marion County.

The operating headquarters of the JTAC system will be a “datacenter” here in the state office building complex, hosted by the State Department of Information Technology, called DoIT. It will be connected to the counties through a “network” of high-speed data lines.

Finally, I want to mention that significant efforts are also underway to develop uniform policies and standardized procedures to govern the system – for it will no longer be possible for every county to do everything its own way. To the maximum extent possible, these policies are being developed by the users of the system throughout the state, not dictated by Indianapolis.

Before I conclude, let me say a bit more about three of the things illustrated on this diagram: the CMS itself; county implementation; and interfaces.

CMS Timeline

On the CMS itself, here is a quick look at our timeline. We begin with a short planning stage followed by a definition of the requirements of the new system. This is followed by an extensive period of system design, essentially the blueprint-drawing stage of the project. As the blueprints are completed, Computer Associates is hard at work doing the actual programming work. In order to get the new CMS into operation as quickly as practicable, the CMS is being programmed in phases – first to handle civil cases, then to handle criminal cases, then to provide for prosecutor and probation offices, and then to handle juvenile cases. Each of these phases is called a "release" and the computer programmers start with Release Zero. As I have indicated, there will be future releases as well.

As the programming on each release is completed, testing is done to make sure that all of the parts were together -- that the system is integrated. Once that testing is completed, we are ready to put each release in the hands of our test and pilot counties for user acceptance testing. And once user acceptance testing is completed, we will be ready to implement the CMS in the other courts and counties of our state.

Here is where we are on the timeline. We started our planning in the fall of 2002 and completed our requirements analysis in early 2003. Most of last year was spent drawing the blueprints, the system design stage. As various parts of the system design were completed, Computer Associates went to work on the programming. The programming for the various components of Release Zero has been completed – and programming on the remaining releases is well underway.

At the moment, we are sort of stuck on the cusp between system integration testing and user acceptance testing with respect to Release Zero. We actually kicked off user acceptance testing in Clay County earlier this summer but, as they tell me is inevitable in such projects, testing has identified some bugs that has required more system integration testing. But we hope to be back into full-fledged user acceptance testing very soon.

Implementation

A few words about implementation. As I mentioned, our first "test county" is Clay County. The other pilot counties are Morgan County, Huntington County, and Marion County. I need to emphasize how deeply grateful we all should be to these counties for being willing to be the guinea pigs for this project. And I cannot say too strongly how extensive and close the working relationship, indeed, the partnership, is that has developed between JTAC and Marion County. The clerk, the prosecutor, the judges -- everyone at the other end of Market Street is pulling at the oars just as hard as those at JTAC and Computer Associates.

We also have identified an additional dozen or so counties for early implementation of the

system. The clerk, judges, prosecutor, and other county officials in each of these counties has executed a memorandum of understanding and are anxiously awaiting the JTAC bus to pull into their towns.

Interfaces

Now a few words about interfaces. Under our contract, Computer Associates is obligated, in addition to providing us with the case management system, to provide us with the additional computer programs I mentioned earlier called "interfaces," that permit information to be shared with the computer systems of the Department of Revenue, Department of Correction, Department of Motor Vehicles, Indiana State Police, Family and Social Services Administration, and the Indiana Prosecuting Attorney's Council.

Here is a schematic diagram of the interface with the Department of Correction. On the left hand side is the JTAC CMS; on the right hand side, the computer system at DOC. The interface will electronically take from the JTAC CMS the abstract of judgment, personal descriptor, education level, and victim information on each individual sent to the DOC by a court and electronically write that information into the offender's file in the DOC computer system. The interface will also electronically take from the DOC computer system each offender's DOC number and earliest release date and electronically write that information into the offender's file in the JTAC CMS.

Here is a schematic diagram of the interface with the Department of Motor Vehicles. On the left hand side is the JTAC CMS; on the right hand side, the computer system at BMV. The interface will electronically take from the JTAC CMS the disposition (suspension and reinstatement) information on Form SR-16 on each traffic offender entered by a court and electronically write that information into the driver's file in the BMV computer system. The interface will also electronically take from the JTAC CMS the conditional probation information on Form SR-17, suspension and reinstatement information not on Form SR-16, and probably cause affidavit information on each traffic offender entered by a court and electronically transmit that information to the BMV. When the BMV's own computer system upgrade is completed, this information will also be electronically written into it. Finally, a person using the JTAC CMS will be able to view an individual's BMV record – I will show you a demonstration of this in a minute – and a person using the BMV computer system will be able to view a driver's file in the JTAC CMS.

Demonstration of the JTAC CMS

Finally, I thought you might like to take a quick look at what the new case management system will look like to its users.

Here is a picture of a typical screen which, as you can see, has the same look and feel as most Windows programs with menus and icons conveniently located at the top of the screen.

But rather than just show you pictures, I thought I would show you how a hypothetical lawsuit would be entered into the system.

Let us suppose that plaintiff Randy Shepard sues Defendant Frank Sullivan for \$25,000 for the tort of Intentional Infliction of Emotional Distress. Shepard hires attorney David Long as his lawyer; Sullivan hires attorney Richard Bray as his lawyer.

To start the case, we click this little button on the main screen.

This brings up the "New Case Wizard" and we fill in basic information as to the county, court, etc.

We are then ready to enter information on the plaintiff.

Here we enter Shepard's name and address. This "history" button is available to keep track of different addresses over time. In addition, the system can capture substantial additional information about Shepard. For example, this screen collects information on race, gender, date of birth, primary language, and even whether a translator is needed. By clicking this button, the user is able to view Shepard's BMV record. This next screen records other names that Shepard may have used from time to time. Obviously, information at this level of detail probably would not be collected about a plaintiff in a civil case but could be of vital importance about a defendant in a criminal case.

On this next screen, we indicate that we want to record in the system who Shepard's attorney is. The next screen gives us a list of all of the attorneys in the state, from which we select Mr. Long.

Next we enter information on the defendant. On this screen we enter defendant Sullivan's name and address. We could also enter the additional address, demographic, and alias information that we saw a moment ago.

Next we will identify Sullivan's attorney. Again the list of all of the lawyers in the state appears, from which we select Mr. Bray's name.

We then indicate to the New Case Wizard that we want to identify the judge in the case. Because we had already indicated that the case was being filed in the Marion Circuit Court, the only judge listed is the judge of that court, Judge Sosin.

We conclude the entries by indicating that the complaint is made by Shepard, against Sullivan, that the theory of the complaint is Court, that the relief sought is money, and that the amount is \$25,000. We click the button labeled "Generate Complaint" and the new case is entered into the CMS.

If we want to retrieve the case, we can enter the defendant's name in this search box and click this button. This will return the case number here. By clicking on the case number, the case will be opened up showing Shepard versus Sullivan, the case number, the name of the judge, and the names of the parties and their attorneys.

Obviously there is much more to the CMS that I could show you but this gives you something of an idea of the look and feel of the new system.

Conclusion

Mr. Chairman, in conclusion, let me reiterate to you and to the other Legislators here today how deeply appreciative we are for your splendid support of this initiative. When it is completed, I think we together – the Legislature and the judicial system – will have provided the people of our state a computer system that will provide efficiencies for the taxpayer and improved operations for law enforcement and the courts.

Thank you.

Attachment B

Members

Sen. Richard Bray, Chairperson
Sen. David Long
Sen. John Broden
Sen. Timothy Lanane
Rep. Robert Kuzman, Vice-Chairperson
Rep. Ryan Dvorak
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Authority: IC 33-1-15

To: Members of the Commission on Courts
From: Mark Goodpaster
Date: August 11, 2004
Re: Background on Council Directives, Budget, Outcomes of Recommendations from Previous Interim

Statutory Charges

IC 33-1-15-7 charges the Commission on Courts with the following:

1. Review and report on all requests for new courts or changes in jurisdiction of existing courts. A request for review under this subdivision must be received by the commission not later than July 1 of each year. A request received after July 1 may not be considered unless a majority of the commission members agrees to consider the request.
2. Conduct research concerning requests for new courts or changes in jurisdiction of existing courts. The research may include conducting surveys sampling members of the bar, members of the judiciary, and local officials to determine needs and problems.
3. Conduct public hearings throughout Indiana concerning requests for new courts or changes in jurisdiction of existing courts. The commission shall hold at least one (1) public hearing on each request presented to the commission.
4. Review and report on any other matters relating to court administration that the commission determines appropriate, including the following:
 - a. Court fees.
 - b. Court personnel, except constables that have jurisdiction in a county that contains a consolidated city.
 - c. Salaries of court officers and personnel, except constables that have jurisdiction in a county that contains a consolidated city.
 - d. Jury selection.
 - e. Any other issues relating to the operation of the courts.
5. Submit a report **in an electronic format** under IC 5-14-6 before November 1 of each year to the General Assembly. The report must include the following:

- a. A recommendation on all requests considered by the commission during the preceding year for the creation of new courts or changes in the jurisdiction of existing courts.
- b. If the commission recommends the creation of new courts or changes in jurisdiction of existing courts, the following:
 - i. A draft of legislation implementing the changes.
 - ii. A fiscal analysis of the cost to the state and local governments of implementing recommended changes.
 - iii. Summaries of any research supporting the recommended changes.
 - iv. Summaries of public hearings held concerning the recommended changes.
- c. A recommendation on any issues considered by the commission under subdivision (4).

As added by P.L.98-2004, SEC.2.

Council Directives

The Legislative Council gave the Commission on Courts **no additional requests**.

Budget and Number of Meetings

The Commission on Courts was granted a budget of \$8,000.

Commission members may be paid a per diem and travel for **three meetings** between May 19, 2004 and June 30, 2005. To be paid a per diem and travel for any additional meetings, the Commission members would have to receive advanced written approval from the Chair and Vice Chair of the Legislative Council.

Outcomes of Recommendations from Previous Interim

Exhibit C shows the eleven recommendations that were approved by the Commission in the 2002 interim, whether legislation was introduced during the 2002 General Assembly to implement these recommendations, and the outcomes of this legislation. Legislation was introduced to implement ten of these recommendations. Of the bills introduced, three were signed into law and one was vetoed by the Governor.

New Requests:

<u>Legislator</u>	<u>County/ Organization</u>	<u>Issue</u>	<u>New Issue?</u>	
			<u>yes</u>	<u>no</u>
Rep. Kuzman	Indiana Bar Association	Redocketing fees	✓	
Rep. Whetstone Sen. Lawson	Hendricks County	New superior courts in Hendricks County	✓	
Rep. Richardson	Hamilton County	Two new courts		✓*
		Review the certified mail fee issue		✓
Rep. Dick Dodge	Dekalb County	New superior court in Dekalb County		✓
James R. Fleming Pros. Attorney	Howard County	New superior court in Howard County		✓
Rep. Scott Pelath	LaPorte County	prescription medication not a defense if fraudulently obtained	✓	
		"force" should be more clearly defined in law	✓	
Rep. Russ Stilwell	Perry County	New superior court and/or magistrate in Perry County		✓
Sen. Waterman	SB 175	A person previously ordered to pay child support is entitled to a new hearing if a genetic test establishes that the person is not the biological parent	✓	
Rep. Carolene Mays	Domestic Violence	Increase domestic violence and prevention fee	✓	
Rep. Timothy Neese	Kelly Eckart, Victim's Rights Bill	Requests a hearing on the Kelly Eckart, Victim's Right Bill	✓	
Rep. Andrew Thomas	HB 1402	Increase drug countermeasures fee	✓	
Rep. Ryan Dvorak	Sex Offender Registry	Examine effectiveness of Indiana's Sex Offender Registry	✓	
Rep. Eric Koch	Monroe County	Create two new courts		✓
Rep. Eric Koch	Jackson County	Create one new court		✓
* the Commission recommended creation of one new court for Hamilton County				

Outcomes of Legislation Recommended by Commission on Courts in 2003 Final Report

Recommendation	Bill Number	Author	Passed First House?	Passed Second House?
<u>Additional court for:</u>				
(1) Vigo County.	HB 1139	Rep. Kersey	No	
(2) Howard County.	HB 1048	Rep. Herrell	No	
(3) Hamilton County.	HB 1258	Rep. Richardson	No	
(4) DeKalb County.	SB 53	Sen. C. Meeks	No	
(5) Perry County.	SB 486	Sen. R Young	No	
	HB 1138	Rep. Stilwell	No	
(6) Dearborn County.	SB 396	Sen. Nugent	No	
	HB 1069	Rep. Bischoff	No	
(7) Montgomery County.	HB 1167	Rep. T Brown	No	
<u>Additional magistrate for:</u>				
(1) Madison County.	SB 141	Sen. Lanane	No	
(2) Owen County.	SB 55	Sen. Bray	No	
\$10 service fee to offset the costs to counties created by certified mail in civil actions.	HB 1302	Rep. Richardson	No	
Senior judge for the Indiana Tax Court	SB 389	Sen. Bray	Yes	No
Allow retired judges who are state employees in another capacity to also receive judge's retirement benefits	SB 142	Sen. Bray	No	
Judicial salary increases	HEA 1401 established the Public Officers Compensation Advisory Commission.			
Increasing exemption levels under IC 34-55-10 (Sales and Execution of Real Estate)	No bill submitted.			

LEGISLATIVE COUNCIL RESOLUTION 04-02

(As Adopted May 19, 2004)

BE IT RESOLVED BY THE INDIANA LEGISLATIVE COUNCIL:

POLICIES GOVERNING STUDY COMMITTEES

SECTION 1. DEFINITIONS. For the purposes of this resolution, "study committee" means a committee or commission which has been established by the Legislative Council or statute and:

- (1) is chaired by a member of the General Assembly and has members of the General Assembly serving as at least one-half of its voting membership;
- (2) is required by law to be staffed by the Legislative Services Agency or to operate under procedures or policies established by the Legislative Council;
- (3) whose chairman by law must be selected by the Chairman of the Legislative Council, the Speaker of the House, or the President Pro Tempore of the Senate; or
- (4) is comprised of standing committees of both the House and Senate.

SECTION 2. APPLICATION AND INTERPRETATION OF RESOLUTION. (a) Study committees as defined in SECTION 1 of this resolution are under the jurisdiction of the Legislative Council. The Legislative Services Agency shall provide staff support to those committees as directed by the Legislative Council.

(b) In the event of a conflict between a statute governing a study committee and a provision of this resolution, that statute supersedes such a provision only to the extent of the conflict. If the statute in question is silent with regard to a provision of this resolution, this resolution prevails.

SECTION 3. TERMS OF CERTAIN COMMITTEE CHAIRMANSHIPS. Unless otherwise provided by a statute or by Council resolution, the appointment of a chairman of a statutory or Council-created study committee expires on December 31 of the year in which the chairman is appointed.

SECTION 4. CREATION OF SUBCOMMITTEES PROHIBITED. (a) As used in this section, "subcommittee" refers to any entity consisting wholly or partially of a subset of members of a study committee.

(b) Unless required or specifically authorized by statute, or authorized by the Legislative Council, a study committee chairman may not create subcommittees. The chairman of a subcommittee must be a legislator member of the study committee whose members form all or part of the subcommittee.

(c) Notwithstanding subsection (b), a study committee chair may establish informal work groups made up of study committee members so long as the work groups operate as follows:

- (1) No official action will be taken by a work group. The work group may report on its activities to the full study committee.
- (2) The Legislative Services Agency will not staff or take minutes during a work group meeting.
- (3) A lay member of a study committee is not entitled to a per diem or any expense reimbursement for activities related to the work group.
- (4) A legislative member of a study committee may request the Senate or House to receive a per diem and other expense reimbursement for activities related to the work group.

SECTION 5. PER DIEM AND MILEAGE AUTHORIZATION. (a) The Legislative Services Agency is authorized to pay per diem and mileage or travel allowances, in the amounts provided by law, to:

- (1) any member of the General Assembly who is appointed by the Governor, the Speaker of the House, President or President Pro Tempore of the Senate, House or Senate Minority Leader, or the Legislative Council, to serve on any board or commission or on any research, study, or survey committee and who attends a meeting of that body;
- (2) any member of the General Assembly who attends an out-of-state meeting as authorized by the Speaker of the House of Representatives or the President Pro Tempore of the Senate, as the case may be; and
- (3) any person who is not a member of the General Assembly, but who is appointed by the Governor, Speaker of the House of Representatives, President or President Pro Tempore of the Senate, House or Senate Minority Leader, or Legislative Council to serve on any study committee under the jurisdiction of the Legislative Council and who attends a meeting of that committee.

(b) In addition to per diem and mileage, a lay member may request lodging reimbursement not to exceed a total of \$85 per night (inclusive of all applicable hotel taxes) for in-state committee meetings held outside of Marion County.

SECTION 6. STUDY COMMITTEE MEETING DEADLINE. (a) With respect to the 2004 interim, per diem and mileage or travel allowances may be paid for attendance at a meeting of a study committee only if the meeting is held before November 1, 2004. This subsection does not apply to the Legislative Council or to a study committee created by statute, if that statute specifically requires or permits meetings during other times of the year (a statutory provision stating that a study committee shall meet upon the call of the chairman is not specific authority for meetings after October 31, 2004).

(b) The Executive Director of the Legislative Services Agency may withdraw staff support from committees which propose to meet after organization day for the 2005 Regular Session, if in the Executive Director's opinion staff resources cannot reasonably be diverted from legislative session work.

SECTION 7. FUNDING FOR STUDY COMMITTEES. (a) The budget of a study committee is \$8,000, unless a greater amount is authorized in writing by the Legislative Council Chairman and Vice-Chairman.

(b) Notwithstanding subsection (a), the budget of the Legislative Council and any study committee consisting of at least 16 members is \$15,000, unless a greater amount is authorized in writing by the Chairman and Vice-Chairman.

(c) Except as provided by subsection (f), payments for the following are chargeable against the budgets of study committees:

- (1) Payment of per diem, mileage, or travel allowances as permitted by SECTION 5 of this resolution.
- (2) Payment of per diem, mileage, and travel allowances to Legislative Services Agency committee staff when a committee meets outside Indianapolis.
- (3) Payment of any expert witness or outside staff compensation or expenses approved under SECTION 9 of this resolution.
- (4) Payment for any special materials or publications purchased specifically for use by a study committee.
- (5) If approved by the chairman, payments for other necessary expenses of a committee.

(d) The budget of a study committee created by the Legislative Council takes effect on adoption of this resolution, and expires on October 31, 2004.

(e) The budgets of any study committees created by statute during the 2004 regular legislative session take effect on the adoption of this resolution, and expire June 30, 2005. However, the budgets of study committees previously created by statute take effect on July 1, 2004, and expire June 30, 2005.

(f) If a study committee meets more than three (3) times after the effective date of this resolution and before July 1, 2005, no per diem, mileage, or travel allowance may be paid from funds authorized under this resolution for the fourth or a subsequent meeting of the study committee unless advance written approval is received from the Chairman and Vice-

Chairman of the Council. The limitations of this subsection with respect to the payment of per diems, mileage, or travel allowances apply in addition to any other payment limitations under this resolution. For the purposes of this subsection, a meeting of a subcommittee of a study committee is a meeting of the study committee.

SECTION 8. STUDY COMMITTEE REPORT DEADLINES. (a) Each study committee created by the Legislative Council shall submit a status report to the Council on or about September 15 if called upon to do so, and shall submit a final report to the Council within 10 working days after the final meeting of the study committee; however, the Council Chairman and Vice-Chairman may jointly extend the due date for a committee's final report beyond that 10-day period. The final report shall set forth in separate sections background information, the committee's findings, and its recommendations concerning the topics identified in its work program.

(b) Study committees created by statute shall submit progress reports and final reports at such times and containing such information as the Council directs.

(c) Study committees created by statute to which topics have been referred by the Council are requested to report their findings and recommendations on those topics to the Council within 10 working days after their final meeting for the interim. Requests for any minority reports on those topics must follow the procedures outlined in SECTION 12 of this resolution.

SECTION 9. EXPERT WITNESS COMPENSATION. If a study committee wishes to compensate an expert witness or outside staff for his or her services, the chairman must obtain the prior written approval of the Chairman of the Legislative Council.

Requests for expert witness or outside staff compensation must be submitted to the Chairman in writing, and must indicate the amount of honorarium (if any) and the estimated amount of expense reimbursement (travel and lodging) that is desired. Once approved, the honorarium (if any) and reimbursement will be paid from funds appropriated to the Legislative Council and the Legislative Services Agency and allocated to that committee, unless a study committee has its own appropriation.

SECTION 10. STUDY COMMITTEE POLICY RECOMMENDATIONS. A study committee may not direct a public policy recommendation (except in its final report) to any public or private entity (except the Indiana House of Representatives, the Indiana Senate, or the Legislative Council) unless that committee has first obtained the written approval of the Personnel Subcommittee of the Legislative Council to do so.

SECTION 11. TAKING ACTION BY STUDY COMMITTEES. (a) Unless there are specific contrary provisions in a statute, a study committee may not recommend a final bill draft, or a final report, unless that draft or report has been approved by a majority of the voting members appointed to serve on that committee. All such votes taken by a study committee must be taken at a public meeting of the committee and shall be recorded in the committee's final report.

(b) A member of a study committee must be present at a meeting of the study committee to cast a vote. Proxy votes are never in order at a study committee meeting.

(c) Absence from one or more meetings of a study committee does not disqualify a member of the study committee from casting votes at a subsequent meeting.

SECTION 12. STUDY COMMITTEE MINORITY REPORTS. Legislative Services Agency study committee staff may not prepare a "minority report" for members of a study committee unless at least 4 legislator members of that committee jointly make such a request in writing to the Executive Director of the Legislative Services Agency. The request must be made within 5 working days after adoption of a final report, and the minority report must be completed by not later than 10 working days after the date the request is made. No more than 1 minority report may be prepared for any study committee.

SECTION 13. LOCATION OF STUDY COMMITTEE MEETINGS HELD OUTSIDE OF THE STATE HOUSE. If a study committee meeting is to be conducted at a site other than the State House, the chairman of the study committee should select a site that accommodates the needs of individuals with disabilities. However, this SECTION does not apply to any part of a study committee meeting that consists of an on-site inspection of a project or program.

SECTION 14. ISSUANCE OF SUBPOENA. A study committee does not have the power to subpoena or otherwise compel the production of testimony or documents except to the extent such power is specifically granted to the study committee by the Legislative Council under IC 2-5-1.1.

SECTION 15. DURATION OF THIS RESOLUTION. This resolution, as amended from time to time, remains in force until specifically repealed or superseded.

Attachment C

Members

Sen. Richard Bray, Chairperson
Sen. David Long
Sen. John Broden
Sen. Timothy Lanane
Rep. Robert Kuzman, Vice-Chairperson
Rep. Ryan Dvorak
Rep. Ralph Ayres
Rep. Kathy Richardson
Judge Ernest Yelton
David A. Lewis
Tim Curley
Thomas R. Philpot
Chief Justice Randall Shepard



COMMISSION ON COURTS

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 232-9588 Fax: (317) 232-2554

LSA Staff:

Mark Goodpaster, Fiscal Analyst for the
Commission
Timothy Tyler, Attorney for the Commission

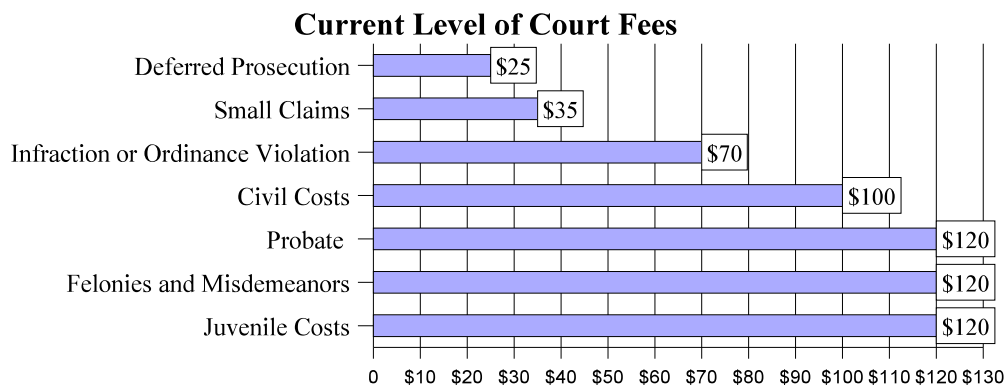
Authority: IC 33-1-15

To: Members of the Commission on Courts
From: Mark Goodpaster, Staff Analyst
Date: August 11, 2004
Re: Overview of Court Fees Charged Under IC 33-37

This memorandum describes the status of court fee that are deposited in the State General Fund and the fees deposited in the State User Fee Fund

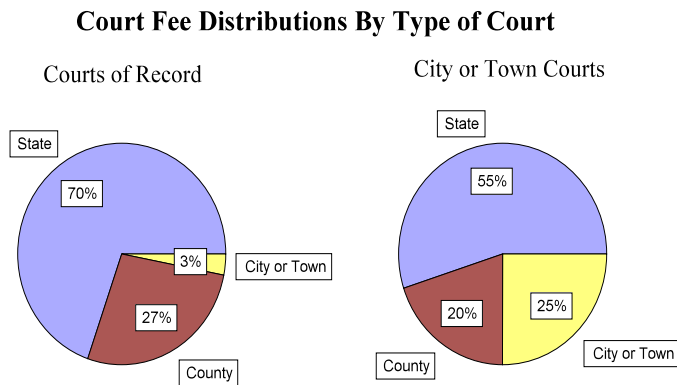
A. Court Fees Deposited in the State General Fund

Current Law: The Indiana General Assembly last changed these court fees in 1997.



Source: IC 33-37-4

Revenue Distributions: How revenues collected from court fees are allotted between the general funds of the state, county and cities and towns depend on whether the case was filed in a court of record or a city or town court. The following shows how these fees are distributed.



Source: IC 33-37-7

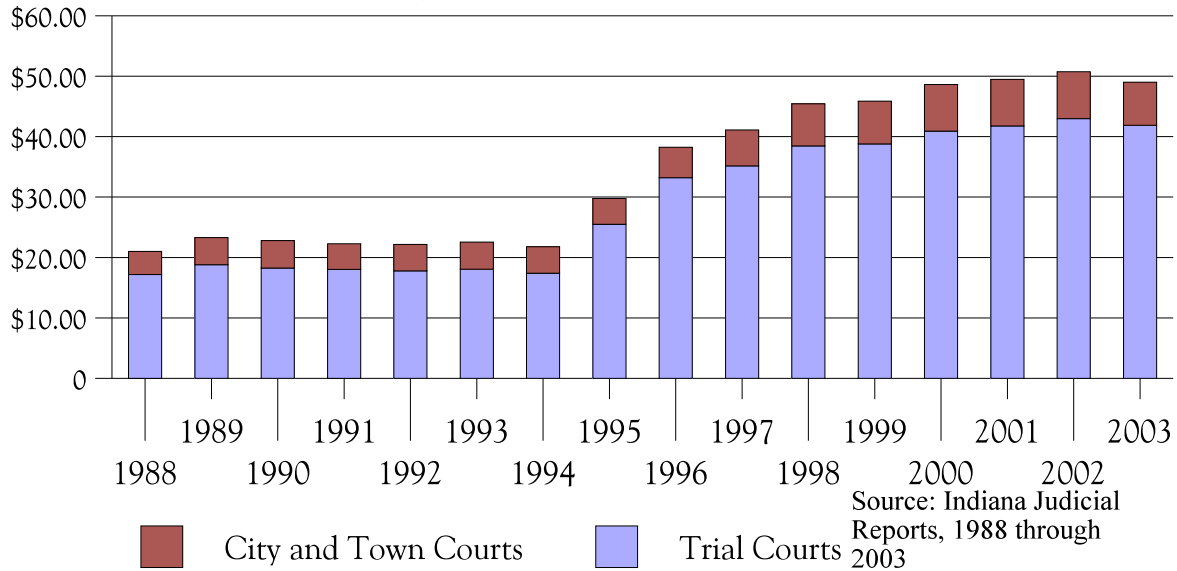
Revenue History: In the following section, revenue distributed over the past thirteen calendar years is shown by governmental level.

State General Fund: Revenue deposited in the State General Fund remained relatively level between 1988, when the court fee system was enacted, until 1995. Court fee revenue distributed to the state General Fund increased significantly after 1995 while the revenue distributed to the county general funds declined. This change in distribution occurred as the state assumed the salaries of court officers, while the responsibilities of counties to pay for the salaries of court officers were significantly reduced.

The major source of the court fees is from the trial courts. Revenue from the city and town courts increased slightly in the past four years as a result of the legislation.

Court Fee Revenues Under IC 33-19-5 Deposited in the State General Fund

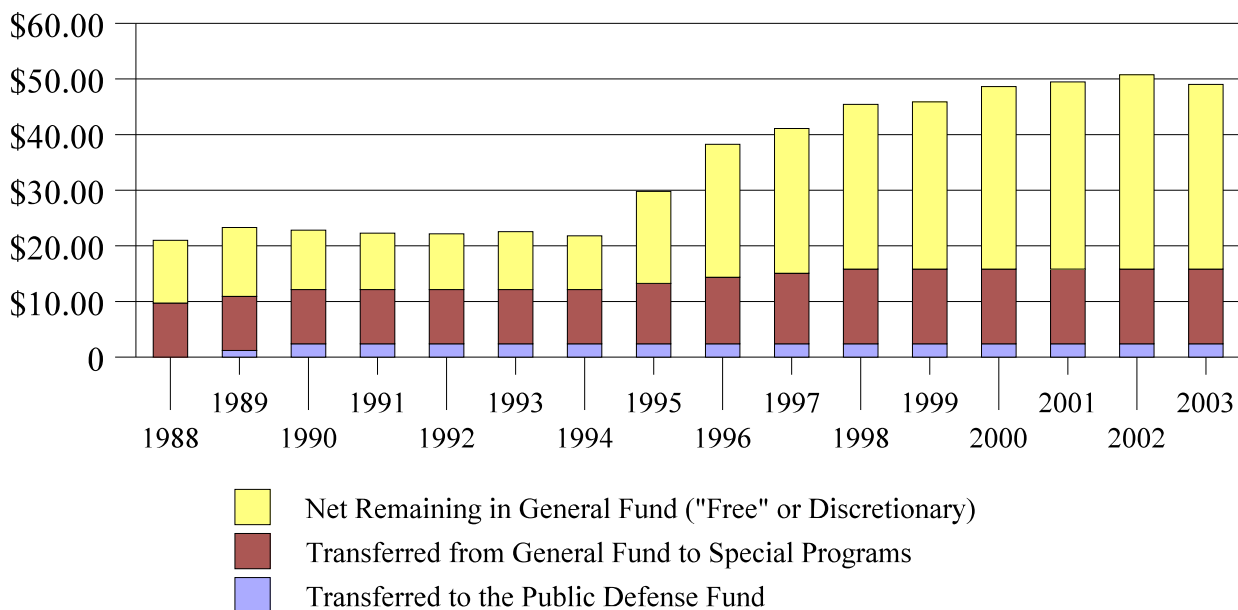
(In Millions of Nominal Dollars)



Special Consideration: Not all of the revenue from the court fees remains in the State General Fund. IC 33-19-7-5 requires that a specific sum be transferred from the state General Fund to nine different state funds on June 30 and December 31 of each year. Free or discretionary revenue remaining after these transfers is shown in the table below.

How Court Fees Deposited in State General Fund Are Distributed

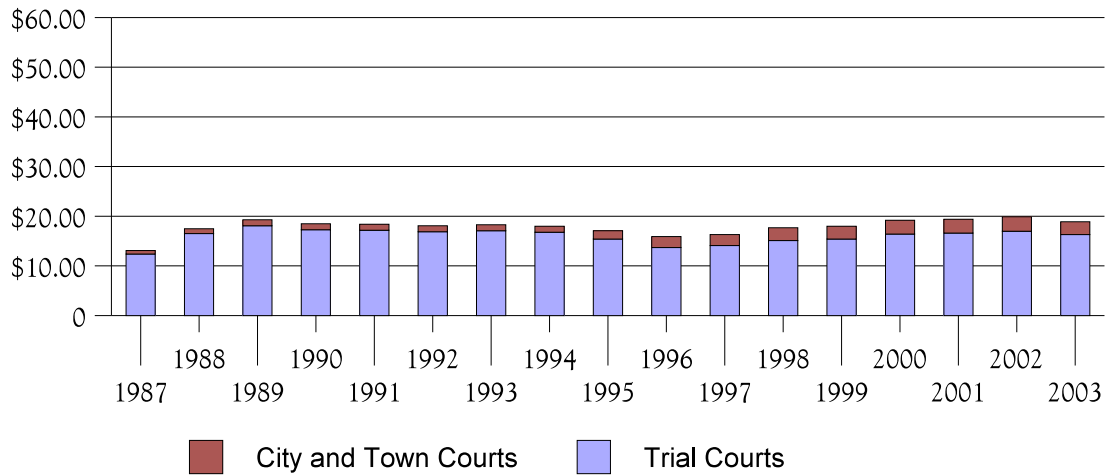
(In Millions of Nominal Dollars)



County General Funds: Revenue distributed to county general funds declined between 1989 and 1996. These revenue losses were offset by the state General Fund assuming more of the salaries of court officers.

Court Fees Deposited in County General Funds

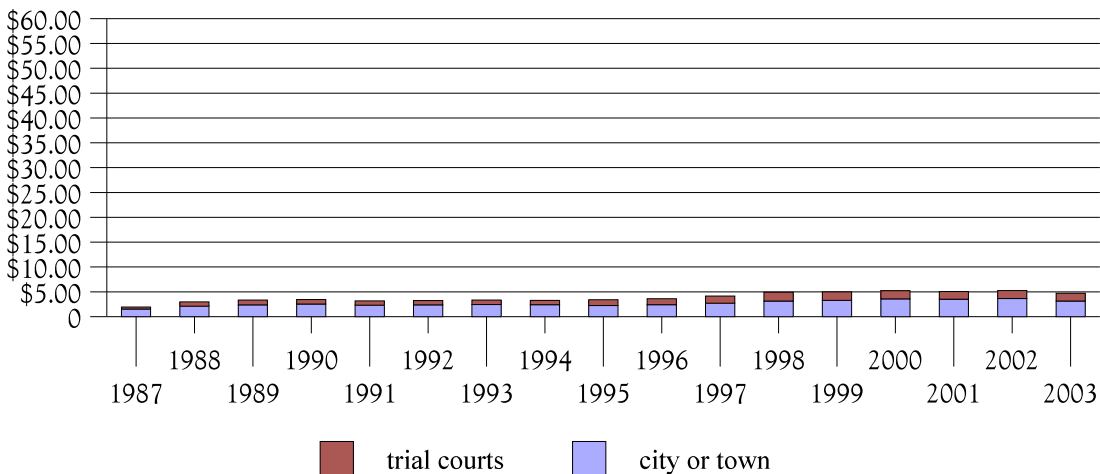
(In Millions of Nominal Dollars)



Cities and Towns General Funds: Revenue from court fees stayed relatively steady between 1989 and 1995. Since 1995, court fee revenue increased to an all time high of \$5.2 million.

Court Fees Deposited in General Funds of Cities and Counties

(In Millions of Nominal Dollars)



B. Revenues from Fees Deposited Into the State User Fee Fund

The State User Fee Fund is the other fund site to which fees that are ordered by the courts are deposited. This fund has existed since 1989 when it was originally used as a repository for two funds. Now, revenues from eight fees are deposited.

Statutory History of State User Fee Fund

1989: The State User Fee Fund was established as a revenue repository for the Drug Abuse, Prosecution, Interdiction, and Corrections Fee and the Alcohol and Drug Countermeasures Fee.

1991: Two new fees were added: the Child Abuse Prevention Fee and the Domestic Violence Prevention and Treatment Fee.

1994: The revenues from two fees that had already been in statute were added to the State User Fee Fund: Highway Work Zone Fee and the Marriage License Fee. These fees were added to the State User Fee Fund to reduce the number of accounts that the clerks of the circuit court in each county were required to keep and transfer to the State Auditor.

1996: A Safe Schools Fee was created, and the proceeds were also deposited into the State User Fee Fund.

2001: The Automated Record Keeping Fee was established, and all revenue from this fee was deposited into the State User Fee Fund.

A Summary of Fees Currently Deposited Into the State User Fee Fund: Revenues from eight different fees are deposited in the State User Fee Fund. The following table describes these in more detail.

State User Fee Funds Under Current Law						
	<u>Fee</u>	<u>Year Added</u>	<u>Amount</u>	<u>Type of Case</u>	<u>State User Fee Share</u>	<u>Local Share</u>
1	Drug Abuse, Prosecution, Interdiction, and Corrections Fee	1989	between \$200 & \$1,000.	drug-related conviction	25%	75%
2	Alcohol and Drug Countermeasures Fee	1989	\$200	OWI conviction & driver's privileges suspended.	25%	75%
3	Child Abuse Prevention Fee	1991	\$100	convicted of violent or sexual crime & victim less than 18 years of age.	50%	50%
4	Domestic Violence Prevention and Treatment Fee	1991	\$50	violent act & victim either current or former spouse	100%	
5	Highway Work Zone Fee	1994	\$0.50 or \$25.50.	traffic offenses (\$25.50 when exceeding a worksite speed limit)	100%	
6	Marriage License Fee	1994	\$18 or \$50	higher fee when neither applicant is an Indiana resident	\$10	\$8 or \$40
7	Safe Schools Fee	1996	between \$200 & \$1,000.	when possession or use of a firearm is element of crime	100%	
8	Automated Record Keeping Fees	2002	\$7	all civil filings & criminal cases where defendant is convicted	100%	

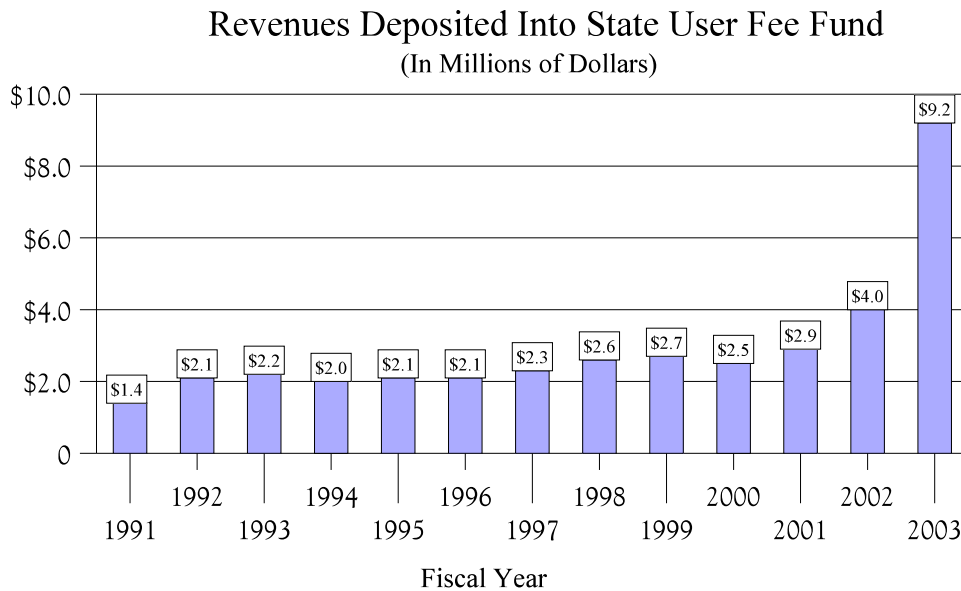
How Money is Currently Distributed From State User Fee Fund: These fees are kept in a single account at the county level and submitted to the State Auditor's Office by the clerk twice each year.

The Treasurer of State semiannually distributes \$1,288,000 of the amounts transferred to the State User Fee Fund as follows:

Distribution of State User Fee Revenue As of 2004		
<u>State Fund</u>	<u>Percent</u>	<u>Amount</u>
Alcohol and Drug Countermeasures Fund	14.98%	\$385,884.80
Drug Interdiction Fund	8.42%	\$216,899.20
Drug Prosecution Fund	4.68%	\$120,556.80
Corrections Drug Abuse Fund	5.62%	\$144,771.20

Distribution of State User Fee Revenue As of 2004		
<u>State Fund</u>	<u>Percent</u>	<u>Amount</u>
Alcohol and Drug Countermeasures Fund	14.98%	\$385,884.80
State Drug Free Communities Fund	22.47%	\$578,827.20
Department of Transportation	7.98%	\$205,564.80
Family Violence and Victim Assistance Fund	20.32%	\$523,443.20
Indiana Safe Schools Fund	<u>15.53%</u>	<u>\$400,052.80</u>
	<u>100%</u>	<u>\$2,576,000.00</u>
Judicial Technology and Automation Project Fund	balance of monies in State User Fee Fund	

Revenue History: Revenue deposited into the State User Fee Fund remained relatively steady between 1992 and 2001. Revenue growth in the State User Fee Fund has been particularly significant since 2001, when the Automated Record Keeping Fee was enacted. In 2001, the fee was enacted at \$2, in 2002 it was increased to \$5, and after June 30, 2003, the fee was increased to \$7. This fee will be reduced to \$4 after June 30, 2009.



APPENDIX A: State User Fee Fund

Chapter 9. State User Fee Funds

33-37-9

33-37-9-1 Year Enacted 2004; Year Amended 2004

Sec. 1. As used in this chapter, "state fund" refers to the state user fee fund established by section 2 of this chapter.

As added by P.L.98-2004, SEC.16.

33-37-9-2

33-37-9-2 Year Enacted 2004; Year Amended 2004

Sec. 2. The state user fee fund is established. The state fund is administered by the treasurer of state.

As added by P.L.98-2004, SEC.16.

33-37-9-3

33-37-9-3 Year Enacted 2004; Year Amended 2004

Sec. 3. On June 30 and December 31 each year, the auditor of state shall transfer to the treasurer of state for deposit in the state fund the fees distributed to the auditor of state under IC 33-37-7-1(b), IC 33-37-7-2(b), IC 33-37-7-7(d), and IC 33-37-7-8(d).

As added by P.L.98-2004, SEC.16.

33-37-9-4

33-37-9-4 Year Enacted 2004; Year Amended 2004

Sec. 4. (a) The treasurer of state shall distribute semiannually one million two hundred eighty-eight thousand dollars (\$1,288,000) of the amounts transferred to the state fund under section 3 of this chapter as follows:

- (1) Fourteen and ninety-eight hundredths percent (14.98%) shall be deposited into the alcohol and drug countermeasures fund established by IC 9-27-2-11.
- (2) Eight and forty-two hundredths percent (8.42%) shall be deposited into the drug interdiction fund established by IC 10-11-7-1.
- (3) Four and sixty-eight hundredths percent (4.68%) shall be deposited into the drug prosecution fund established by IC 33-39-8-6.
- (4) Five and sixty-two hundredths percent (5.62%) shall be deposited into the corrections drug abuse fund established by IC 11-8-2-11.
- (5) Twenty-two and forty-seven hundredths percent (22.47%) shall be deposited into the state drug free communities fund established by IC 5-2-10-2.
- (6) Seven and ninety-eight hundredths percent (7.98%) shall be distributed to the Indiana department of transportation for use under IC 8-23-2-15.
- (7) Twenty and thirty-two hundredths percent (20.32%) shall be deposited in the family violence and victim assistance fund established by IC 12-18-5-2.
- (8) Fifteen and fifty-three hundredths percent (15.53%) shall be deposited in the Indiana safe schools fund established by IC 5-2-10.1.

(b) The treasurer of state shall distribute semiannually the amount remaining after the distributions are made under subsection (a) to the judicial technology and automation project fund established by IC 33-24-6-12.

As added by P.L.98-2004, SEC.16.

APPENDIX B: Time Line of State User Fee Fund

Time Line of State User Fund Statute:							
		<u>1989</u>	<u>1990</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>2001</u>
1.	Alcohol and Drug Countermeasures Fund	\$175,000	\$175,000	30% of fund balance	17.73% of fund balance	17.73% of \$1,087,500	14.98% of \$1,288,000
2.	Drug Interdiction Fund	40% of balance	\$100,000	17% of fund balance	9.97% of fund balance	9.97% of \$1,087,500	8.42% of \$1,288,000
3.	Drug Prosecution Fund	20% of balance	\$50,000	9% of fund balance	5.54% of fund balance	5.54% of \$1,087,500	4.68% of \$1,288,000
4.	Corrections Drug Abuse Fund	25% of balance	\$62,500	10% of fund balance	6.65% of fund balance	6.65% of \$1,087,500	5.62% of \$1,288,000
5.	State Drug Free Communities Fund	15% of balance	remaining balance	34% of fund balance	26.6% of fund balance	26.6% of \$1,087,500	22.47% of \$1,288,000
6.	Department of Transportation				9.45% of fund balance	9.45% of \$1,087,500	7.98% of \$1,288,000
7.	Family Violence and Victim Assistance Fund				24.06% of fund balance	24.06% of \$1,087,500	20.32% of \$1,288,000
8.	Indiana Safe Schools Fund					fund balance	15.53% of \$1,288,000
9.	Judicial Technology and Automation Project Fund						fund balance